IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2886 OF 2005
IN
CRIMINAL REVISION APPLICATION NO. 137 OF 2007

Shankar Bhikaji Veer. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Ms.Varsha Palav for the applicant.

Rajesh More, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 5th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The substantive revision application is directed against the order dated 22nd May, 1996 passed in Criminal Appeal No.51/1995 by IV Additional Sessions Judge, Nashik.

3. It is relevant to note that almost for than 5 years no steps were taken by the applicant to remove office objections. With the result, four weeks time was granted by this Court to remove office objections with condition that, if objections are not removed within stipulated period, matter would stand dismissed

automatically without reference to the Court.

4. Since the objections were not removed, the said conditional order, being self-operative order, it operated. Matter got dismissed.

5. Thereafter, after lapse of more than four years, application for restoration, being Criminal Application No.2886/2005, was moved. The said application came to be dismissed vide order 12th December, 2005 since nobody had appeared when the matter was called out.

6. Thereafter, another application being Criminal Application No.131/2006 was taken out which was allowed vide order dated 14th July, 2006. Consequently, Criminal Application No.2886/2005 seeking restoration of substantive revision application came to be restored. Since then, almost for more then one year this application for restoration of substantive resivion application is pending. No steps were taken to get this matter listed or placed before the Court to seek appropriate orders.

7. Today, the matter has come before this Court for restoration of revision application. The cause shown can hardly be said to be a sufficient cause warranting restoration of revision application. Vide

order dated 15th June, 1995 passed in Regular Criminal Case No.108/1992 by J.M.F.C., Nasik, applicant was convicted for six months R.I. and fine of Rs.1,000/- for the offence under section 498-A of Indian Penal Code (I.P.C.) and one month R.I. and fine of Rs.250/- for the offence under section 323 of I.P.C. The said order came to be confirmed by the Sessions Court by impugned order dated 22nd May, 1996. No stay to the execution of the order was granted by this Court while admitting revision application. One does not know whether the cause of action to proceed with the revision application, after lapse of 10 years, survives or not.

8. Thus, looking to the nature of substantive revision application, callous and negligent attitude on the part of the applicant in prosecuting the present proceeding, no case is made out to restore the revision application. Applicant is, thus, rejected.

9. In the result, application stand rejected. Revision papers be consigned to record.

JUDGE